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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,472	03/08/2002	Kaoru Murase	50023-166	1199
7590 03/28/2006 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER SON, LINH L D	
			ART UNIT 2135	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,472

Applicant(s)

MURASE ET AL.

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responding to the Amendment received on 01/05/06.
2. Claims 1-20 are canceled.
3. Claims 21-38 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabin et al, US Patent No. 6697648B1, hereinafter "Rabin".

Art Unit: 2135

6. As per claims 21 and 32-34:

Rabin discloses "A recording and reproducing device recording and reproducing specific digital content data (Col 26 lines 35-42, Col 26 lines 55-60 "Copying of is the instance of software", and Col 26 lines 60-67), comprising:

a detecting unit operable to detect an abuse of a control program controlling the recording and reproducing device" in (Col 40 lines 43-65);

and a "revoking unit operable to halt the use of the recording and reproducing device based on the abuse detected by the detecting unit" in (Col 40 lines 60-65).

7. As per claims 22 and 35:

Rabin discloses "A recording and reproducing device according to claim 21, wherein the detecting unit comprises: an abuse prevention information calculating unit operable to calculate first abuse prevention information by means of the control program controlling the recording and reproducing device and a specific function" in (Col 26 lines 55-60 "Copying of is the instance of software", Col 40 lines 43-65); "an abuse prevention information storage unit for storing the first abuse prevention information calculated by the abuse prevention information calculating unit; and a comparing unit operable to compare, if necessary, the first abuse prevention information stored in the abuse prevention information storage unit and second abuse prevention information recalculated by the abuse prevention information calculating unit by means of the control program and the specific function, and then judging the abuse based on the comparing result" in (Col 27 lines 15-44, and Col 40 lines 60-65).

8. As per claim 23:

Rabin discloses "A recording and reproducing device according to claim 22, wherein the abuse prevention information calculating unit calculates and stores the first abuse prevention information in the abuse prevention information storage unit when the recording and reproducing device is powered off, and the comparing unit compares the first abuse prevention information stored at the power off of the recording and reproducing device and the second abuse prevention information recalculated by the abuse prevention information calculating unit" in (Col 32 lines 62-67, and Col 40 lines 60-65).

9. As per claim 24:

Rabin discloses "A recording and reproducing device according to claim 22, wherein the abuse prevention information storage unit is different from a storage unit storing the control program" in (Col 1 lines 44-56).

10. As per claim 25:

Rabin discloses "A recording and reproducing device according to claim 22, wherein the abuse prevention information calculating unit calculates and stores the first abuse prevention information in the abuse prevention information storage unit when the control program is updated, and the comparing unit compares the first abuse prevention

information stored at the update of the control program and the second abuse prevention information recalculated by the abuse prevention information calculating unit" in (Col 46 lines 27-54).

11. As per claim 26:

Rabin discloses "A recording and reproducing device according to claim 21, wherein at the time of detecting the abuse of the control program, the detecting unit sends the detecting result to a specific abuse detecting server" in (Col 43 lines 30-35, and Col 48 lines 47-57).

12. As per claim 27:

Rabin discloses "A recording and reproducing device according to claim 26, wherein the detecting unit further sends a unique ID specifying the recording and reproducing device to the specific abuse detecting server" in (Col 43 lines 1-35).

13. As per claim 28:

Rabin discloses "A recording and reproducing device according to claim 21, wherein the revoking unit halts the use of the recording and reproducing device on the basis of an instruction sent from the detecting unit" in (Col 43 lines 30-35, and Col 48 lines 47-57)..

Art Unit: 2135

14. As per claim 29:

Rabin discloses "A recording and reproducing device according to claim 21, wherein the revoking unit halts the use of the recording and reproducing device on the basis of an instruction sent from a specific abuse detecting server" in (Col 43 lines 30-35, and Col 48 lines 47-57).

15. As per claim 30:

Rabin discloses "A recording and reproducing device according to claim 21, wherein the revoking unit halts the use of the recording and reproducing device on the basis of an instruction sent from a broadcast station" in (Col 43 lines 30-35, and Col 48 lines 47-57).

16. As per claim 31:

Rabin discloses "A recording and reproducing device according to any one of claims 28-30, wherein the revoking unit dissolves the halt of the use of the recording and reproducing device on the basis of a specific instruction" in (Col 43 lines 30-35, and Col 48 lines 47-57).

17. As per claim 36:

Rabin discloses "An abuse prevention system including a recording and reproducing device recording and reproducing specific digital content data, wherein the recording and reproducing device comprises: a detecting unit operable to detect an abuse of a

Art Unit: 2135

control program controlling the recording and reproducing device" in (Col 40 lines 43-65); a sending unit operable to send a notice of abuse to a specific abuse detecting server when the abuse is detected; and a revoking unit operable to halt the use of the recording and reproducing device on the basis of an instruction sent from the abuse detecting server, and wherein the abuse detecting server, in response to the abuse notice sent from the recording and reproducing device, sends the instruction to halt the use of the recording and reproducing device to the recording and reproducing device" in (Col 43 lines 30-35, and Col 48 lines 47-67).

18. As per claim 37:

Rabin discloses "A recording and reproducing device recording and reproducing specific digital content data, comprising: a detecting unit operable to detect an abuse of a control program controlling the recording and reproducing device" in (Col 40 lines 43-65); "a sending unit operable to send in specific time intervals to a specific abuse detecting server a notice of no abuse detected by the detecting unit; and a revoking unit operable to enable to operate the recoding and reproducing device for a specific period on the basis of a control instruction to permit the use of the recording and reproducing device within a specific period, and, if no control instruction, operable to halt the use of the recording and reproducing device after operating the recording and reproducing device for the specific period" in (Col 43 lines 30-35, and Col 48 lines 47-67).

Art Unit: 2135

19. As per claim 38:

Rabin discloses "An abuse prevention system including a recording and reproducing device recording and reproducing specific digital content data, wherein the recording and reproducing device comprises: a detecting unit operable to detect an abuse of a control program controlling the recording and reproducing device" in (Col 40 lines 43-65); "a sending unit operable to send in specific time intervals to a specific abuse detecting server a notice of no abuse detected by the detecting unit; and a revoking unit operable to enable to operate the recoding and reproducing device for a specific period on the basis of a control instruction to permit the use of the recording and reproducing device within the specific period, and, if no control instruction, operable to halt the use of the recording and reproducing device after operating the recording and reproducing device for the specific period, and wherein the abuse detecting server, in response to the notice of no abuse sent from the recording and reproducing device, sends the instruction to permit the use of the recording and reproducing device for the specific period" in (Col 43 lines 30-35, and Col 48 lines 47-67).

Response to Amendment

20. Applicant has added new claims 21-38, which necessitated new grounds of rejection. See Rejections above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

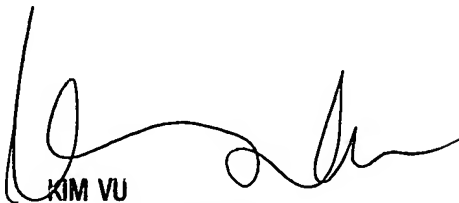
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135



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